

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES KENNETH MIZE,
 Plaintiff,

vs.

FEDERAL BUREAU OF INVESTIGATION,
 Defendant.

Case No. 2:14-cv-01115-JAD-CWH

ORDER

This matter is before the Court on Plaintiff's Second Application for Leave to Proceed *In Forma Pauperis* (#3), filed on July 8, 2014.

Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action in federal district court. The court may authorize the commencement of an action "without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefore." 28 U.S.C. § 1915(a).

Plaintiff failed to submit the affidavit required by § 1915(a) for a prisoner to show that he is unable to prepay fees and costs or give security for them. As the Court noted with Plaintiff's First Application to Proceed *In Forma Pauperis*, Plaintiff reports that he has annual income of \$100,000 from employment at the Nevada Test Site Area 51 along with \$1 trillion received every other month as an interest payment. Plaintiff submitted this affidavit under the penalty of perjury. However, he failed to include a Financial Certificate for his inmate account. Moreover, Plaintiff failed to include a complaint as previously order. (Order #2). Based on this inconsistent information, the Court finds that Plaintiff has not provided sufficient information to determine whether Plaintiff is eligible to proceed *in forma pauperis*. The Court will order the Clerk of the Court to send Plaintiff a blank prisoner form to complete.

Having concluded that Plaintiff is not entitled at this time to proceed *in forma pauperis*, the

1 Court need not screen the complaint under 28 U.S.C. § 1915(e)(2)(B), which requires the dismissal of
2 the case at any time if the Court determines that it is frivolous or malicious or fails to state a claim upon
3 which relief can be granted or seeks monetary relief against a defendant who is immune from such
4 relief.

5 Based on the foregoing and good cause appearing therefore,

6 **IT IS ORDERED** that Plaintiff's Motion/Application to Proceed *In Forma Pauperis* (#3) is
7 **denied without prejudice.**

8 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send Plaintiff a copy of the
9 blank Motion/Application to Proceed *In Forma Pauperis* form for a prisoner.

10 **IT IS FURTHER ORDERED** that Plaintiff shall have until **September 4, 2014** to file a new,
11 completed Application to Proceed *In Forma Pauperis* **along with a complaint.** In the alternative,
12 Plaintiff may make the necessary arrangements to pay the filing fee, accompanied by a copy of this
13 Order. Failure to comply with this Order will result in a recommendation to the District Judge that this
14 action be dismissed.

15 Dated this 4th day of August, 2014.

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19 **C.W. Hoffman, Jr.**
20 **United States Magistrate Judge**
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